

REMARKS

Claims 1-5 are currently pending in this application. By this response to the non-final Office Action dated April 15, 2008, claim 2 is amended. Support for the amendment is found in at least page 10 of the specification as filed. No new matter has been introduced. Favorable reconsideration of the application in light of the foregoing amendments and following comments is respectfully solicited.

In section 2 of the Office Action, claims 1, 2, and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,345,430 (Moe) in view of U.S. Patent No. 6,115,202 (Yoshida). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Moe in view of Yoshida and U.S. Patent No. 5,758,013 (Kizu). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Moe in view of Yoshida and JP Patent App. Pub. No. H04-252484 (Toyoshima). Applicants respectfully traverse.

Claim 1 recites, *inter alia*, that

an auxiliary information memorizing section for temporarily memorizing auxiliary information appended to the video audio signal; . . . wherein . . .
the memory control device further **stores the auxiliary information** appended to the video audio signals in the auxiliary information memorizing section **for a time period substantially equal to the delay of the video audio signals** to thereby delay the auxiliary information by an amount of time during which the auxiliary information is stored and records the delayed auxiliary information on the recording medium.

The Office Action acknowledges that Moe does not disclose, *inter alia*, the above limitations (Office Action, page 3, lines 6-16). In an attempt to cure this shortcoming, the Office Action relies on Yoshida, asserting that it teaches the limitations (Office Action, pages 3-4).

Yoshida discusses two types of “auxiliary information.” There is first auxiliary information which is not memorized, but is instead directly recorded with the main video data.

This information includes the track number and absolute time code. Col. 8, lines 18-23. Also, there is second auxiliary information which is temporarily memorized, and recorded on the form of TOC (table of contents) information. This second auxiliary information is only recorded when the tape is fully recorded (tape end signal Ste) or in response to a user request (user request signal Su). At that point the second auxiliary information is stored in the form of TOC packs. Col. 8, lines 35-47. FIG. 7, step S4 illustrates the distinction made between the first and second types of auxiliary information, with step S5 corresponding to the second type, and step S6 corresponding to the first type. FIG. 7, steps S8-S11 illustrate the recording of the second auxiliary information as TOC packs in response to a user request or tape end.

However, Yoshida's second auxiliary information (which is temporarily memorized, as discussed above) is not "store[d] . . . in the auxiliary information memorizing section for a time period substantially equal to the delay of the video audio signals," as recited in claim 1. First, Yoshida does not even discuss a delay of video audio signals. Accordingly, Yoshida offers no suggestion of storing auxiliary information for a period of time corresponding to a delay of video audio signals. Second, whatever delay might be present in the Yoshida device, such a delay does not correspond to the time period for which the second auxiliary information is stored. Instead, as discussed above, the second auxiliary information is recorded, as TOC packs, after a longer period of time, as illustrated by FIG. 7, steps S8-S11.

As neither Moe, as acknowledged by the Office Action, nor Yoshida, as discussed above, disclose or suggest at least the above limitations, they do not, either individually or in combination, make the subject matter of claim 1 obvious. The teachings of Kizu and Toyoshima do not cure this shortcoming, nor are they relied upon as doing so. Accordingly, Applicants respectfully request withdrawal of the rejections of claim 1 and dependent claims 2-5, as

“dependent claims are nonobvious if the independent claims from which they depend are nonobvious.” *In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992).

Amended claim 2 recites, *inter alia*, that

the auxiliary information includes time code information for specifying a chronological position on the video audio signal, **absolute time information** of the video audio signal, and **physical position information at the time of photographing** the video audio signal.

The Office Action incorrectly asserts that Yoshida discloses auxiliary information including “absolute time information” and “position information at the time of photographing.” Although Yoshida discusses an “absolute time code,” it is the first type of auxiliary information discussed above, which is not memorized. Col. 8, line 21. The Office Action is unclear whether FIG. 2J or 2K is believed to disclose the recited “position information.” However, Yoshida does not appear to disclose auxiliary information similar to the recited “physical position information,” such as the “current position information (longitude, latitude, altitude) by means of GPS (Global Positioning System),” as described in page 10 of the instant application.

Thus, in addition to the reasons discussed with respect to claim 1, claim 2 has independent bases of distinction over the art relied upon by the Office Action. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 2.

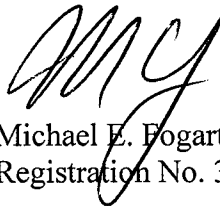
Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner’s amendment, Examiner is requested to call Applicants’ attorney at the telephone number shown below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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